

ILLINOIS POLLUTION CONTROL BOARD
April 5, 2001

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 99-181
)	(Enforcement - Air)
SICILIANO, INC.,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by E.Z. Kezelis):

On June 4, 1999, the People of the State of Illinois (People) filed a five-count complaint against Siciliano, Inc. (Siciliano), a contractor that conducts demolition and asbestos removal activities. On June 23, 2000, the People filed a supplemental complaint in order to include violations against Siciliano that occurred subsequent to the filing of the initial complaint. The supplemental complaint alleges Siciliano failed to provide complete, timely, or revised notifications, and violated an order of the Board at 13 sites in Springfield, Sangamon County, Illinois. These activities were in alleged violation of Section 9.1(d) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(d) (1998)), and 40 C.F.R. § 61.145(b). In addition, by allegedly failing to comply with the National Emission Standards for Hazardous Air Pollutants (NESHAP) and the Act, it is alleged that Siciliano violated the Board's June 20, 1996 order. See People v. Siciliano, Inc. (June 20, 1996), PCB 96-129.

On February 15, 2001, the parties filed a stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)). Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in *The State Journal-Register* on February 18, 2001. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Siciliano admits violations of Section 9.1(d) of the Act (415 ILCS 5/9.1(d) (1998)), and 40 C.F.R. Part 61, Subpart M. Siciliano agrees to pay a civil penalty of \$13,000.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. Siciliano must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Siciliano, Inc. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Siciliano must pay a civil penalty of \$13,000. Payment must be made within 30 days of the date of this order, that is, on or before May 5, 2001. Such payment must be made by certified check or money order payable to the Illinois Environmental Protection Agency, for deposit in the Environmental Protection Trust Fund. The case number, case name, and Siciliano's federal employer identification number 37-1053185 must also be included on the certified check or money order and clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check or money order must be sent by first class mail to:

 Illinois Environmental Protection Agency
 Fiscal Services Division
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276

 A copy of the payment transmittal and check shall be simultaneously submitted to:

 Office of the Attorney General
 500 South Second Street
 Springfield, Illinois 62706
4. Any such penalty not paid within the time prescribed incurs interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest does not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
5. Siciliano must cease and desist future alleged violations of any federal, State, or local statutes and regulations.
6. If Siciliano fails to provide NESHAP notification to the Agency in accordance with the requirements of 50 C.F.R. § 61.145(b) and Section 9.1(d) of the Act

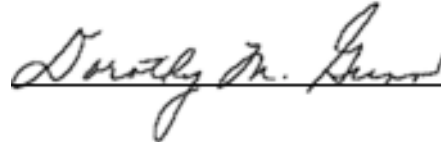
(415 ILCS 5/9.1(d) (1998)), Siciliano must pay contingent penalties for each non-compliant notification in the amount of \$500.

7. Siciliano must allow duly authorized representatives of the Attorney General and/or the Illinois Environmental Protection Agency entry and access to inspect and investigate compliance with the terms and objectives of this order, including, but not limited to, taking photographs, reviewing and copying facility records and other documents, and inspecting equipment.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 5th day of April 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board